

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:04CR3032 |
| |) | |
| v. |) | |
| |) | |
| MILLARD G. VIAN, |) | MEMORANDUM AND ORDER |
| |) | |
| Defendant. |) | |

By motion (filing 31 (Motion to Modify Conditions of Release)), the defendant seeks to eliminate or modify special condition 11 that bars him from “using or having access to any online computer programs such as America Online or any other computer networking service.” (*See* filing 27 at CM/ECF p. 5 and ¶ 11 (Judgment).) As the government points out, the defendant’s offense of conviction involved the use of computers and on-line sharing of child pornography in a significant way. (*See, e.g.*, filing 25 at CM/ECF pp. 4-6 and ¶¶ 9-20 (Presentence Report).) Indeed, I did not impose the questioned condition reflexively, but, rather, because the facts clearly warranted such a condition. Further, the defendant apparently seeks the right to use the internet without limitation or supervision. Under these circumstances,

IT IS ORDERED the defendant’s motion to modify conditions of release (filing 31) is denied.

DATED this 9th day of July, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge